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MAY 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick D. Smith
Application No. 09/470,890
Filed: December 22, 1999
Title: METHOD AND APPARATUS FOR AUTOMATED
CORRELATION OF DIGITAL MODULATION IMPAIRMENT
Art Unit: 2631
Examiner: Kevin Michael Burd
Docket No.: PD05924AM (now BCS03393)

OFFICIAL

Via Facsimile 703-872-9306
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NEW DECLARATION

Sir:

In response to the final Office Action, dated December 15, 2003, requirement for a new oath, as noted in paragraph 4 of the Action, is acknowledged. Further to the **Petition Under 37 CFR 1.136(a) and RESPONSE TO FINAL OFFICE ACTION**, filed on April 15, 2004, in which the undersigned attorney noted that a new oath would be forwarded as soon as possible (page 10 in the Remarks section). A new duly executed declaration for the above referenced application is filed herewith accordingly. This new declaration is in compliance with 37 CFR 1.67(a) and correctly identifies the citizenship of the inventors.

This now completes the response to the Final Office Action. Applicant respectfully requests that the enclosed declaration replace the declaration originally filed.

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If a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact Applicants' undersigned attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By: Karin L. Williams
Karin L. Williams, Attorney for Applicant
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5/10/04
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Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-8306 on 05/10/2004.

Debra Rosenbaum

(Name of Person Transmitting Correspondence)

Debra Rosenbaum
(Signature)